

Chatham, Massachusetts
Privately Owned Wastewater Treatment Plants
Contact: Terence Hayes, R.S Health Agent
(508) 945-2793
Health Reg
Adopted: 1989

B OH-89-1
TOWN OF CHATHAM
BOARD OF HEALTH
Interim Regulations
Privately-Owned Wastewater Treatment Plants

Whereas, the improper design, construction, operation or maintenance of wastewater treatment plants poses a serious threat to Cape God's sole source aquifer from which the citizens of the Town of Chatham draw their drinking water, and

Whereas, the Town of Chatham does not have regulations covering the design, construction, operation and maintenance of such plants,

Therefore, under Chapter III, Section 31 of the Massachusetts General Laws, the Chatham Board of Health adopts the following regulation to protect the ground and surface waters from improper wastewater treatment and disposal.

Section I DEFINITIONS

Privately-owned Wastewater Treatment Plants: A privately-owned wastewater treatment plant shall, for the purposes of this regulation, be defined as any privately-owned sewage disposal system other than that described in the Town of Chatham Minimum Requirements for the Subsurface Disposal of Sewage as Revised, December 1982, Sections 2-17 and Section 19.

Section II REQUIREMENTS

2.1 An application for a small wastewater treatment plant under provisions of Section 18.1 of the Town of Chatham Minimum Requirements for Subsurface Disposal of Sanitary Sewage as revised, 1982, shall be denied.

2.2 The effective date of this regulation shall be February 17, 1989.

2.3 The term of this interim regulation shall be 24 months from the effective date of this regulation.

Section II SEVERABILITY

If any part or portions of these regulations be adjudicated as invalid, the adjudication shall apply only to the material so adjudged, and the remaining Rules and Regulation shall be deemed valid and of full force and effect.

Adopted: February 17, 1989

Jean A. Young Chairman

Frederick H. Connelly, Jr., Member

James E. Plenge, Member

FINAL DRAFT 2/3/89

Interim Regulations

Privately-Owned Wastewater Treatment Plants

Whereas, the improper design, construction, operation or maintenance of wastewater treatment plants poses a serious threat to Cape Cod's sole source aquifer from which the citizens of the Town of Chatham draw their drinking water, and

Whereas, the Town of Chatham does not have regulations covering the design, construction, operation and maintenance of such plants,

Therefore, under Chapter III, Section 31 of the Massachusetts General Laws, the Chatham Board of Health adopts the following regulation to protect the ground and surface waters from improper wastewater treatment and disposal.

Section I DEFINITIONS

Privately-owned Wastewater Treatment Plants: A privately owned wastewater treatment plant shall, for the purposes of this regulation, be defined as any privately-owned sewage disposal system other than that described in the Town of Chatham Minimum Requirements for the Subsurface Disposal of Sewage as Revised, December 1982, Sections 2-17 and Section 19.

Section II REQUIREMENTS

2.1 An application for a small wastewater treatment plant under provisions of Section 18.1 of the Town of Chatham Minimum Requirements for Subsurface Disposal of Sanitary Sewage as revised, 1982, shall be denied.

2.2 The effective date of this regulation shall be February 15, 1989

2.3 The term of this interim regulation shall be 24 months from the effective date of this

regulation.

Section III ENFORCEMENT

3.1 Variance Variances may be granted only as follows: The Board of Health may vary the application of any provisions of these Interim Regulations (except where expressly forbidden elsewhere in this Interim Regulation) with respect to any particular case when, in its' opinion (1) the enforcement thereof would do manifest injustice; and (2) the applicant has proved that the same degree of environmental protection required under this Interim Regulation can be achieved without strict application of the partiular provision.

Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. The applicant must notify 41 the abutters by certified mail at his own expense at least 10 days befoi'e the Board of Health. meeting at which the Variance request will be on the agenda. Notification shall state the specific variance sought and the reasons therefore.

Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of each variance shall be conspicuously posted for thirty days following its issuance; and shall be available to the public at all reasonable hours in the office of the city or town clerk or the office of the Board of Health while it is in effect.

3.2 Variance Grant of Special Permission: Expiration Modification suspension of Any variance or other modification authorized to be made by this Interim Regulation may be subject to such qualification, revocation, suspension, or expiration as the Board of Health expresses in its grant. A variance or other modification authorized to be made by this Interim Regulation may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard in conformity with requirements of Title 1 (310 CMR 11.00) for orders and hearings.

3.3 General Enfbrcement The provisions of Title 1 of the Environmental Code (310 CMR 11.00) shall govern the enforcement of this Interim Regulation as supplemented by the following:

3.4 Orders; Service and Content

(a) If an examination as provided for in Title 1 (310 CMR 11.00) reveals failure to comply with the provisions of this Interim Regulation, the Board of Health shall order the persons responsible to comply with the violated provision.

(b) Every Order authorized by this Interim Regulation shall be in writing. Orders issued under the provisions of Section 2.4 (a) shall be served on all persons responsible for violated regulations. All Orders shall be served on the designated person:

(1) Personally, by any person authorized to serve civil process, or

- (2) By leaving a copy of the Order at his last and usual place of abode, or
- (3) By sending him a copy of the Order by registered or certified mail, return receipt requested, if he is within the Commonwealth, or
- (4) If his last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the Order in a conspicuous place on or about the affected premises.
- (c) Subject to the emergency provision of Title 1, any Order issued under the provision of these Interim Regulations shall:
 - (1) Include a statement of the violation or defect, and may suggest action which, if taken, will effect compliance with these Interim Regulations, and
 - (2) Allot a reasonable time for any action it requires, and
 - (3) Inform the person to whom it is directed of his right to a hearing and of his responsibility to request the hearing, and to whom the request shall be made.

3.5 Hearing

- (a) Procedure for Requesting and Holding Hearing Unless otherwise specified in this Interim Regulation, the persons or persons to whom any order has been served pursuant to any Regulation of this Interim Regulation may request a hearing before the Agency that issued the order by filing with said Agency within 7 days after the day the order was served a written petition requesting a hearing on the matter. Upon receipt of such petition, The Agency shall set a time and place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than 45 days after the day on which the Order was served. The Agency, upon application of the petitioner, may postpone the date of hearing for a reasonable time beyond such 45 day period if in the judgement of the Agency the petitioner has submitted a good and sufficient reason for such postponement.
- (b) Hearing of Petitioner. At the hearing, the petitioner shall be given an opportunity to be heard and to show cause why the Order should be modified or withdrawn.
- (c) Procedure by the Agency after Hearing. After the hearing, the Board of Health shall sustain, modify, or withdraw the Order and shall inform the petitioner in writing of its decision. If the Board of Health sustains or modifies the Order, it shall be carried out within the time period allotted in the original Order or in the modification.
- (d) Public Record. Every notice, Order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Board of Health.
- (e) Hearing Petition Not Submitted. or Sustaining of Order. If a written petition for a hearing is not filed with the Board of Health within 7 days after the day an Order has been served or if after a hearing the Order has been sustained in any part, each day's failure to comply with the Order as issued or modified shall constitute an additional offense.

3.6 Appeal

Any person aggrieved by the decision of the Board of Health may seek relief therefrom within 30 days in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

3.7 Penalties

(a) Any person who shall violate any provision of this Interim Regulation for which penalty is not otherwise provided in any of the General Laws or in any other provision of this Regulation or Title 1 of the Environmental Code (310 CMR 11) shall upon conviction be fined not less than 10 nor more than 500 dollars.

(b) Any person who shall fail to comply with any Order issued pursuant to the provisions of this Title shall, upon conviction, be fined not less than 10 nor more than 500 dollars. Each day's failure to comply with an Order shall constitute a separate violation.

3.8 Severability

Each Regulation of this Interim Regulation shall be construed as separate to the end that if any regulation or sentence, clause, or phase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.